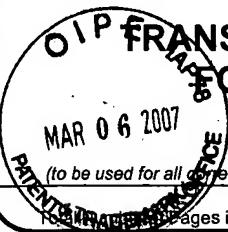


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

 <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/729,330
		Filing Date	12/04/2003
		First Named Inventor	Cameron A. Riddell
		Art Unit	3643
		Examiner Name	Kurt Rowan
		Attorney Docket Number	999205-100025
<small>PATENT COPIES ARE NOT INCLUDED in This Submission</small>		4	

ENCLOSURES (Check all that apply)

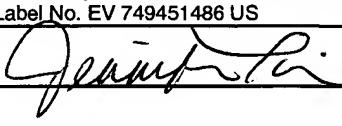
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Acknowledgement of Receipt Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<input type="checkbox"/> Remarks <small>Reply to Submission of Prior Art Under 351 U.S.C. 301</small>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	JONES DAY		
Signature			
Printed name	Robert W. Dickerson		
Date	March 6, 2007	Reg. No.	29,914

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Express Mail Label No. EV 749451486 US

Signature			
Typed or printed name	Jennifer Tai	Date	March 6, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

03-07-07

IFW

Patent
999205-100025



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/729,330
Applicant:	Cameron A. Riddell
Title:	Electric Deterrent Device
Filed:	December 4, 2003
TC/A.U.:	3643
Examiner:	Rowan, Kurt C.
Attorney Docket No.	999205-100025
Customer No.	34026

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO SUBMISSION OF PRIOR ART UNDER 35 USC 301

Sir:

Robert Fish, attorney for the company, Bird B Gone, that has slavishly copied the invention disclosed in this application (as shown in prior submissions by Applicant), has filed yet another submission of prior art under 35 U.S.C. 301. Their desperation is now clearly showing. The newly submitted prior art has been reviewed, and again it is far afield from the invention at issue -- none of the newly cited prior art singly shows, and no combination of them suggests, for example, the "flex feature" discussed in the pending Request for Reconsideration.

Only one of the newly cited prior art is even intended as a bird or pest deterrent (WO 84/04022), and that one discloses only "flat metal ribbons" attached either directly to the boat surface, or in the case of a metal boat surface, to rubber ribbons that are then attached to the boat surface. Obviously, the boat surface is not flexible, and sewing is of course not described or

suggested as an attachment method. This patent is, however, believed to be the most relevant prior art in this last batch submitted by Mr. Fish, and as noted, it is not really relevant at all except to show yet one more unsuccessful attempt by others.

As a clear indication of how far afield Mr. Fish is willing to go in order to cite patents, one is actually a "hot melt multi-section hose heating system." How a disclosure in that field of art is even the least bit related is not explained by Mr. Fish.

The patent which Mr. Fish's summary table says discloses all of the items in his table headings (U.S. 5,151,319), is just another electrified fence tape of the types previously disclosed and discussed, and which doesn't show the "flex feature" or sewing as described and claimed in the pending application. Although Mr. Fish's summary says this reference describes and shows "sewing," for support, he refers generally to columns 1 and 2, and specifically to column 4, lines 1-5. The words "sew" and "sewing" do not appear anywhere in the patent, let alone columns 1, 2 or 4. Accordingly, it appears that Mr. Fish is contending that "stitching 10" (column 4, lines 1-5) refers to sewing as claimed in the pending application. What is referred to there, however, are "the knitted stitches 10" (see column 3, line 58) as shown in Figures 3 and 4. Mr. Fish does not even attempt to explain how that is relevant to the sewing limitation in the claims now pending.

Applicant believes that none of the prior art references cited by Mr. Fish is even as close as that already submitted to and considered by the Examiner.

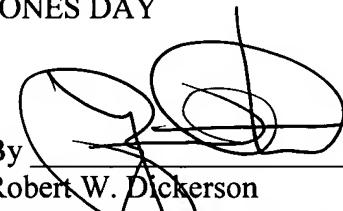
Accordingly, none of the prior art precludes patentability, and the clear evidence now in the record about long felt need, attempts by others, and copying by Mr. Fish's client, Bird B Gone, plainly supports patentability. Mr. Fish's continued attempts to delay issuance of this patent by strategically-timed submissions of "new" prior art should not be further countenanced.

A Notice of Allowance is respectfully and earnestly solicited. It is also requested that all of the prior art submitted by applicant and Mr. Fish be cited in the prosecution file as having been considered in this application.

Dated: March 6, 2007

Respectfully submitted,

JONES DAY

By 
Robert W. Dickerson
rwdickerson@jonesday.com
Reg. No. 29,914

JONES DAY
555 South Flower Street
Fiftieth Floor
Los Angeles, California 90071
Telephone: 213-489-3939
Facsimile: 213-243-2539